

REMARKS

The specification has been amended for clarification purposes only, and does not present new matter. Claims 1-39 are currently pending in the case. Further examination and reconsideration of the presently claimed application is hereby respectfully requested.

Section 102 Rejections

Claims 1-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2002/0143877 to Hackbarth (hereinafter "Hackbarth").

Hackbarth is not available as prior art against the current application. To expedite prosecution, a declaration under 37 C.F.R. § 131 is filed in a separate paper herewith. The declaration provides sufficient evidence to establish an invention date prior to February 6, 2001 for the subject matter of the current claims. The Declaration also provides sufficient evidence to prove that the due diligence was practiced from at least a time prior to February 6, 2001 to the filing date of the application on September 28, 2001. Because Hackbarth was filed provisionally on February 6, 2001, it is not available as prior art under 35 U.S.C. § 102(e) against these claims. Accordingly, removal of the 102(e) rejection of claims 1-39 is respectfully requested.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed July 12, 2005. In view of the remarks traversing rejections, Applicants assert that pending claims 1-39 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447.

Respectfully submitted,

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